

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ROY SCOTT,

Plaintiff,

v.

AL NERIO *et. al.*,

Defendants.

Case No. C06-5340RJB

ORDER

This matter comes before the Court on the Report and Recommendation of U.S. Magistrate Judge J. Kelley Arnold. Dkt. 129. The Court has considered the relevant documents and the remainder of the file herein.

This is a 42 U.S.C. § 1983 Civil Rights action. Dkt. 1. Plaintiff is a resident of the Special Commitment Center (“SCC”) and, because he is a frequent and vexatious litigator, is subject to a case management order that restricts his litigation. Dkt. 2. In the present matter, Plaintiff is limited to litigating the adverse consequences of a disciplinary hearing held on April 6, 2006, regarding alleged violations of SCC policy. Dkt. 2.

On January 29, 2007, Plaintiff filed a motion for a temporary restraining order regarding a period of time in which he alleges he was “put in lock down (to the unit) status.” Dkt. 73. The facts relating to this incident are recounted in the Report and Recommendation, and need not be repeated here. On April 27, 2007, Plaintiff filed a pleading entitled “Appeal of Dkt. #127, #128 Orders and Response to Report and Recommendation #129” with a four page attachment. Dkt. 131. On May

1 8, 2007, the same pleading was docketed again, but with a five page attachment. Dkt. 134.

2 The pleadings state that, “[t]hese denials are borderline [sic] an abuse of discretion. Clearly
3 this case will never get beyond point “A” as long as Judge Arnold remains in control. He must be
4 replaced. He is obstructing justice a federal crime. There is no relationship between the mt for TRO
5 and his description also.” Dkts. 131 and 134. His attachments each state that he was “refused
6 copies of these exhibits.” *Id.* On May 15, 2007, this Court denied Plaintiff’s Fed. R. Civ. P. 72(a)
7 appeal and motion for recusal, but indicated that to the extent Plaintiff intends these pleadings (Dkts.
8 131 and 134) to be an objection to the Report and Recommendation (Dkt. 129), the Court would
9 consider the remaining arguments when the Report and Recommendation is ripe for consideration on
10 May 25, 2007. Dkt. 147. Defendants filed a Response to the Objections, and raise the argument
11 that Plaintiff’s exhibits, which state that he has been refused copies, are misleading. Dkt. 149.
12 Defendants note that although he does not receive an unlimited number of copies, Plaintiff has been
13 granted a substantial exception to the monthly allotment of copies. *Id.* On May 22, 2007, Plaintiff
14 filed a “Reply to Response R & R = TRO”, and alleges that based on Judge Arnold’s Report and
15 Recommendation, he has been moved. Dkt. 168.


16 Plaintiff’s argument, that the facts in the Report and Recommendation are not related to the
17 facts in his motion for a temporary restraining order, is without merit. Moreover to the extent that
18 Plaintiff intends that the Reply filed on May 22, 2007 (Dkt. 168) be considered as objections to this
19 Report and Recommendation, the objections are without merit because they do not address the
20 issues presented. Dkt. 168. As stated in the Report and Recommendation, Plaintiff has failed to
21 meet the standards required to be given the injunctive relief that he seeks. Accordingly, the Report
22 and Recommendation should be adopted. In light of the multiple pleadings already filed regarding
23 this Motion for Temporary Restraining Order, (Dkt. 73), no motions for reconsideration will be
24 entertained.

25 Therefore, it is hereby **ORDERED** that,

26 (1) U.S. Magistrate Judge J. Kelley Arnold’s Report and Recommendation (Dkt. 129) is
27 **ADOPTED**;

1 (2) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants,
2 and to the Hon. J. Kelley Arnold. Any Motions for Reconsideration of Adoption of this Report and
3 Recommendation shall be docketed by the Clerk, but no further action will be taken.

4 DATED this 31st day of May, 2007.

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6 Robert J. Bryan
7 United States District Judge
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